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***Attorneys for Plaintiff and the Proposed Class***

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

SHYRIAA HENDERSON, on behalf of  
herself and all others similarly situated,

Plaintiff,

vs.

UNITED STUDENT AID FUNDS,  
INC. D/B/A USA FUNDS,

Defendant.

CASE NO. 3:13-cv-1845-JLS-BLM  
CLASS ACTION

**JOINT MOTION TO AMEND THE  
AMENDED CASE MANAGEMENT  
CONFERENCE ORDER (DKT. NO.  
124)**

Hon. Magistrate Barbara L. Major

*Henderson v. United Student Aid Funds, Inc. d/b/a USA Funds*, No. 13-cv-1845  
JOINT MOTION TO AMEND THE AMENDED CASE MANAGEMENT CONFERENCE ORDER  
(DKT. No. 124)

## **PLAINTIFF'S POSITION**

### **I. Introduction**

Pursuant to the Chamber Rules of the Honorable Barbara Lynn Major, the parties hereby file a Joint Motion to Amend the Amended Case Management Conference Order [Dkt No. 124]. This Motion is accompanied by a declaration from Plaintiff's counsel of record detailing the steps taken to comply with the dates and deadlines set forth in the Amended Case Management Conference Order, and the specific reasons why the deadlines cannot be met. *See generally* Declaration of Alexis M. Wood in Support of Joint Motion to Amend the Amended Case Management Conference Order [Dkt No. 124] ("Wood Decl."). For the reasons stated herein, both parties respectfully request this Court to extend all deadlines by sixty (60) days as provided below.

A previous extension was granted on October 20, 2015, wherein this Court granted a joint request to extend the deadlines by one hundred and twenty (120) days in order for Plaintiff to continue the receipt of discovery from non-party vendors and file any necessary motions to compel in various jurisdictions. *See* Dkt. No. 124. The instant request for a brief sixty (60) day extension is so that Plaintiff may continue her receipt of discovery from non-party vendors and conduct the depositions of Defendant and non-party Navient Solutions, Inc. ("NSI"). Due to scheduling issues with respect to these depositions, they cannot be held until February 23, 2016 (NSI) and March 8, 2016 (Defendant). The sixty (60) days are necessary to conduct these depositions, receive the transcripts and finalize Plaintiff's motion for class certification. The dates requested are as follows:

	Current Date	New Date
Deadline to File Motion for Class Certification	February 29, 2016	April 29, 2016
Expert Designations	February 29, 2016	April 29, 2016
Rebuttal Expert	March 29, 2016	May 27, 2016

Designations		
Exchange of Expert Reports	May 30, 2016	July 29, 2016
Rebuttal Expert Reports	June 28, 2016	August 29, 2016
Discovery Cutoff	August 24, 2016	October 24, 2016
Pretrial Motions Filing Deadline	September 20, 2016	November 21, 2016
Mandatory Settlement Conference ("MSC")	June 8, 2016 at 9:30 a.m.	August 29, 2016 at 9:30 a.m.
MSC Briefs Due Date	May 30, 2016	July 29, 2016
Compliance with FRCP 25(a)(3)	December 29, 2016	February 27, 2017
Meet and Confer	January 5, 2017	March 6, 2017
Proposed Pretrial Conference Order	January 19, 2017	March 20, 2017
Pretrial Conference Date	January 26, 2017 at 1:30 p.m.	March 27, 2017 at 1:30 p.m.

## **I. Procedural Background and Good Cause for Extension**

As stated previously, on October 20, 2015, this Court granted the parties' Joint Motion to Amend the Amended Case Management Order (Dkt. No. 87). (Dkt. No. 124). The reason for this extension was primarily for Plaintiff to pursue discovery by way of the issuance of non-party subpoenas to the twenty-five (25) non-party vendors identified by Defendant as having relevant information initially requested to be produced (and granted by way of a motion to compel (Dkt. No. 103)) by Defendant. A more detailed procedural background regarding Plaintiff's diligence in pursuing the

1 information is provided in the previously filed Joint Motion to Amend the Amended  
2 Case Management Order (Dkt. No. 87). *See* Dkt. No. 122.

3 Since receipt of this Court's October 20, 2015 Order, Plaintiff has been diligent  
4 in the pursuit of necessary discovery from Defendant's twenty-five (25) non-party  
5 vendors. This has included various meet and confer conferences with counsel for all  
6 twenty-five (25) non-party vendors, opposing two motions to quash filed in the  
7 Northern District of Illinois (*see* Case No. 1:15-cv-07754) and the Southern District of  
8 Indiana (*see* Case No. 3:13-cv-1845)<sup>1</sup> and five motions to enforce subpoenas filed in the  
9 Southern District of Texas (*see* Case No. 4:15-mc-01378), the District of Massachusetts  
10 (Boston) (*see* Case No. 1:15-mc-91370-DJC and Case No. 1:15-mc-91375-FDS), the  
11 Northern District of Ohio (*see* Case No. 3:13-cv-1845 JLS BLM) and the District of  
12 New Hampshire (*see* Case No. 1:16-mc-00010). *See* Wood Decl., ¶ 2.

13 On December 21, 2015, Plaintiff served Plaintiff's Notice of Deposition of  
14 Defendant's Fed. R. Civ. Proc. 30(b) witness. *See* Wood Decl., ¶ 3. Plaintiff noticed  
15 the deposition for January 28, 2016. *Id.* On December 21, 2015, Plaintiff also issued,  
16 and thereafter served, a Subpoena for Navient Solutions, Inc. to Testify at a Deposition.  
17 *See* Wood Decl., ¶ 4. This deposition was noticed for February 4, 2016. *Id.* Plaintiff's  
18 counsel intended for the depositions to take place after receipt of discovery from all  
19 non-party vendors and after rulings from the various jurisdictions in which motions  
20 regarding Plaintiff's subpoenas were pending. *See* Wood Decl., ¶ 5. It was also  
21 anticipated by Plaintiff's counsel for the depositions to take place with sufficient time to  
22 receive transcripts and finalize Plaintiff's motion for class certification. *Id.*

23 However, the witnesses were not available on the noticed dates, and the parties  
24 then negotiated a new schedule. *See* Wood Decl., ¶ 6. The parties took into account the  
25 availability of the witnesses, the counsel involved and the necessary travel; both of the  
26  
27

28 <sup>1</sup> The matter was subsequently transferred to the Southern District of California (*see*  
Case No. 3:15-cv-022-JLS-BLM).

depositions will take place in Indiana. Thus, Plaintiff's counsel has confirmed availability for February 23 and March 8 for the two depositions to take place. *Id.*

The sixty (60) day extension is necessary in order to provide time for the parties to conduct the depositions, receive the transcripts and finalize Plaintiff's motion for class certification. Additionally, the time is requested so that, if necessary, Plaintiff has sufficient time to serve any necessary follow up discovery after conducting the depositions.

### **DEFENDANT'S POSITION**

Defendant agrees an extension is necessary and joins in the relief requested.

Dated: February 9, 2016

By: /s/ Alexis M. Wood

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Dated: February 9, 2016

By: /s/ Lisa M. Simonetti

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*Attorneys for Defendant*

**CERTIFICATION OF APPROVAL OF CONTENT**

I, Alexis M. Wood, counsel for Plaintiff, in the above-entitled matter, hereby certify that the required parties have approved and accepted the content of the Joint Motion to Amend the Amended Case Management Conference Order, and that I have obtained authorization from Lisa Simonetti, counsel for Defendant, for their electronic signature.

Dated: February 9, 2016

**LAW OFFICES OF RONALD A. MARRON**

By: /s/ Alexis M. Wood

ALEXIS M. WOOD

*Attorney for Plaintiff and the Proposed Class*